

**Meghan O'Reilly**

**Subject:** Regarding your recent emails

--- On **Wed, 11/14/12, LeBlanc, Frank <*fleblanc@abiomed.com*>** wrote:

From: LeBlanc, Frank <*fleblanc@abiomed.com*>

Subject: Regarding your recent emails

To: "Max Bennett (sp1991free@yahoo.com)" <*sp1991free@yahoo.com*>

Date: Wednesday, November 14, 2012, 11:14 AM

Max:

As I told you at our meeting this morning, I would respond to your two emails (and now more), all sent after our meeting yesterday with David Stevens, where we addressed the fact that you had not been truthful regarding whether your separation from Biotronik was an involuntary termination. Your response was that you are on confidentiality agreement ("gag order") based on some agreement that you had with Biotronik. As both David and I communicated to you, whatever agreements you have with Biotronik is between you and that company – not Abiomed. If that agreement prevented you from being honest with us regarding whether or not you were fired, that unfortunately was your problem to deal with. We expect every candidate to be honest about their employment history, even if it has problematic issues such as a termination. By not being truthful, you eliminated any opportunity for Abiomed to consider that along with all of the other information relating to your prospective employment. As you well know, this was not a side issue or a footnote, but was a subject of much discussion and even an email by you where you explained the supposed reasons for your separation. As requested, I will forward to you a copy of that email. Equally troubling is the fact that you did not just state that you left for mutual reasons and on good terms, but you actually provided a "story" (regardless of the supposed gag order) that apparently was not the actual situation. As David Stevens said to yesterday, and I repeated this morning, this is a fundamental issue of trust, integrity and transparency. In the end, your violation of these values fundamentally left David with no confidence about your commitment to the values that he (and the organization) value in any employee, and particularly an employee in a management position.

As to the multiple emails sent *after* our meeting yesterday where you were informed that termination of employment was a likely result, it could not be clearer that your intention was somehow to intimidate Abiomed regarding the decision about your employment status. It frankly is stunning that you would try to manufacture (in your own words) a “retaliation” case after you have been told that your job is on the line because of your own conduct. On a professional and personal level, I could not be more disappointed that you would believe that this tactic would influence David, me (or the organization). While I am not going to dignify this by getting into a detailed dialogue or point, counter-point, I will point out a few items. First, I am at a complete loss to understand your expressed “ethics concerns” regarding Abiomed’s expense reimbursement policy/practices relating to entertainment of health care providers. In just the last few weeks, you were provided and acknowledged our travel and expense policy, as well as our Code of Conduct. You also attended the Concur expense training that deals directly with the Abiomed policy and expectations around these types of expenses. Second, as to your comments about Mike Howley’s demeanor, if you actually were intimidated or offended by anything that Mike said or did, you certainly never communicated that to anyone in management or HR. The fact that you would inject this after you had been confronted about your own honesty and integrity, and your employment status, speaks for itself. The same goes for the supposed sexual innuendo comments (regardless, I will check with Kevin Ray). Lastly, as to your last email, let me be clear – your termination was not based on “unanswered questions” regarding your departure from Biotronik, but you affirmative dishonesty about the nature of your departure (fired v. mutual decision). In that regard, I spoke with David Stevens about your conversation last evening, and he conveyed to me that you did not have any conversation at all about your reputation, and that he did not make any statement about your “reputation” in the industry. Not surprisingly, David is deeply offended that you would fabricate that or any other statement.

Max, I do not plan on getting into an ongoing email dialogue with you. The decision that Abiomed has made regarding your employment was and is final. Please do seek whatever counsel you believe is needed.

Frank

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**Frank LeBlanc**  
Vice President of Human Resources

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